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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,589	08/25/2000	Takayuki Sawada	016907/1113	3990

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/645,589	SAWADA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerome Grant II	2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,7,8 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-6,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**JEROME GRANT II**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Kito.

Kito teaches a color image processing apparatus, shown in figure 1, comprising: a patch image output means (150) for outputting the patch image data 200 generated from patch data storage (ROM) ; patch extracting means 110 for receiving read data obtained by scanner 150, a patch image 200 is formed corresponding to patch data which has output; gradation estimating means 130 for estimating a gradation value based on the patch data; correcting output means 140 for correcting an input color image signal on the basis of the record gradation estimated by the gradation estimating means and the patch data stored in the storage area, and for outputting the corrected signal.

With respect to claims 7 and 8, see figure 13 for the color information.

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi.

Hayashi teaches a color image forming apparatus, shown by figure 1, comprising: a color image scanner 1, for reading a color image from a given original and output the color image data; a color printer 66 for forming the color image; patch image forming means (inherent by step b12 in figure 5) for forming a patch in accordance with a storage area ROM by using the image forming means; patch data extracting means (inherent by step b1 in figure 5); gradation estimation (inherent by steps b8, b9, b10 and b11 as shown by figure 5); correcting output means (inherent by steps b11 and b15 of figure 5); forming means 66 in fig. 2 for forming an image on a recording medium, using a color printer in accordance with the color corrected information.

3. Objected Claims

Claims 2-6, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims Allowed

Claims 11-16 are allowed for the reason the prior art does not provide in claimed combination the pulse width selection table as claimed, the second patch output means as claimed, the second path extracting means as claimed, the second gradation estimation means as claimed, the gradation table setting means as claimed, the third patch output means as claimed, the third patch data extracting means as claimed, the color conversion table as claimed and the color correction output means as claimed.

Claim 18 is allowed for the reason the prior art does not teach or suggest in claimed combination, pulse width selection table setting means as claimed, second patch image forming means as claimed, second patch data extracting means as claimed, second gradation estimating means as claimed, gradation correction table setting means as claimed, third patch image output means as claimed, third patch data extracting means as claimed, color conversion setting means as claimed and correction output means for correcting an input color image signal as claimed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-305-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



JEROME GRANT II  
PRIMARY EXAMINER

J. Grant II